THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 24567 of 2007

Date:29-11-2007

Between:

B.Aligesh

…Petitioner

AND

The Revenue Divisional Officer, Tirupathi and another

..

Respondents

-

ORDER:

The petitioner seeks a writ of mandamus declaring the action of the respondents in high handedly dispossessing him from the land admeasuring Ac.2.84 cents situated in Sy.No.464/3 of Mallavaripalem, East Harijanawada village, Irugulam Post, Satyavedu mandal, Chittoor District, as illegal and arbitrary and consequently direct the respondents not to dispossess the petitioner from the said land without following due process of law.

It is the case of the petitioner that he was granted DKT patta bearing DKT/553/4/90 assigning the land of an extent of Ac.2.84 cents in Sy.No.464/3 of Mallavaripalem, East Harijanawada village, Irugulam Post, Satyavedu mandal, Chittoor District and he has been cultivating the said land without violating the terms and conditions of the DKT patta. While so, it is stated that the subordinate staff of the second respondent visited the site on 16.11.2007 and trying to dispossess him from the said land.

I am not inclined to express any opinion as to whether the petitioner has violated the terms and conditions of the DKT patta warranting to take action under the A.P. Assigned Lands (Prohibition of Transfers) Act. However, if the petitioner is in possession of the said land as on today, without following due process of law, he cannot be dispossessed.

Accordingly, the writ petition is disposed of directing the respondents not to dispossess the petitioner from the said land without following due process of law. There shall be no order as to costs.

_____

V.ESWARAIAH, J.

Date:29.11.2007

Note:

Furnish C.C. within three days.

B/O

ccm